



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2699

Introduced 2/21/2013, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

225 ILCS 115/4

from Ch. 111, par. 7004

510 ILCS 70/3.03-5 new

Amends the Humane Care for Animals Act. Provides that no person shall dock the tail of any cattle or procure the same to be done, except under certain conditions. Provides that any person who violates the provision is guilty of a Class C misdemeanor and shall pay a fine not to exceed \$500 for each animal whose tail was docked. Amends the Veterinary Medicine and Surgery Practice Act of 2004 to make corresponding changes. Effective immediately.

LRB098 03929 MGM 33948 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Veterinary Medicine and Surgery Practice Act
5 of 2004 is amended by changing Section 4 as follows:

6 (225 ILCS 115/4) (from Ch. 111, par. 7004)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 4. Exemptions. Nothing in this Act shall apply to any
9 of the following:

10 (1) Veterinarians employed by the federal or State
11 government while engaged in their official duties.

12 (2) Licensed veterinarians from other states who are
13 invited to Illinois for consultation by a veterinarian
14 licensed in Illinois.

15 (3) Veterinarians employed by colleges or universities
16 while engaged in the performance of their official duties,
17 or faculty engaged in animal husbandry or animal management
18 programs of colleges or universities.

19 (3.5) A veterinarian or veterinary technician from
20 another state or country who (A) is not licensed under this
21 Act; (B) is currently licensed as a veterinarian or
22 veterinary technician in another state or country, or
23 otherwise exempt from licensure in the other state; (C) is

1 an invited guest of a professional veterinary association,
2 veterinary training program, or continuing education
3 provider approved by the Department; and (D) engages in
4 professional education through lectures, clinics, or
5 demonstrations.

6 (4) A veterinarian employed by an accredited college of
7 veterinary medicine providing assistance requested by a
8 veterinarian licensed in Illinois, acting with informed
9 consent from the client and acting under the direct or
10 indirect supervision and control of the licensed
11 veterinarian. Providing assistance involves hands-on
12 active participation in the treatment and care of the
13 patient. The licensed veterinarian shall maintain
14 responsibility for the veterinarian-client-patient
15 relationship.

16 (5) Veterinary students in an accredited college of
17 veterinary medicine, university, department of a
18 university, or other institution of veterinary medicine
19 and surgery engaged in duties assigned by their instructors
20 or working under the immediate or direct supervision of a
21 licensed veterinarian.

22 (5.5) Students of an accredited program in veterinary
23 technology performing veterinary technology duties or
24 actions assigned by instructors or working under the
25 immediate or direct supervision of a licensed
26 veterinarian.

1 (6) Any person engaged in bona fide scientific research
2 which requires the use of animals.

3 (7) An owner of livestock and any of the owner's
4 employees or the owner and employees of a service and care
5 provider of livestock caring for and treating livestock
6 belonging to the owner or under a provider's care,
7 including but not limited to, the performance of husbandry
8 and livestock management practices such as dehorning,
9 castration, emasculation, or docking of cattle, horses,
10 sheep, goats, and swine, artificial insemination, and
11 drawing of semen. Nor shall this Act be construed to
12 prohibit any person from administering in a humane manner
13 medicinal or surgical treatment to any livestock in the
14 care of such person. ~~However, any such services shall~~
15 ~~comply with the Humane Care for Animals Act.~~

16 (A) Notwithstanding this item (7), any of the
17 services shall comply with the Humane Care for Animals
18 Act and the Horse Mutilation Act.

19 (B) Notwithstanding this item (7), no person shall
20 dock the tail of any living member of the bovine
21 species except as in accordance with Section 3.03-5 of
22 the Humane Care for Animals Act.

23 (8) An owner of an animal, or an agent of the owner
24 acting with the owner's approval, in caring for, training,
25 or treating an animal belonging to the owner, so long as
26 that individual or agent does not represent himself or

1 herself as a veterinarian or use any title associated with
2 the practice of veterinary medicine or surgery or diagnose,
3 prescribe drugs, or perform surgery. The agent shall
4 provide the owner with a written statement summarizing the
5 nature of the services provided and obtain a signed
6 acknowledgment from the owner that they accept the services
7 provided. The services shall comply with the Humane Care
8 for Animals Act. The provisions of this item (8) do not
9 apply to a person who is exempt under item (7).

10 (9) A member in good standing of another licensed or
11 regulated profession within any state or a member of an
12 organization or group approved by the Department by rule
13 providing assistance that is requested in writing by a
14 veterinarian licensed in this State acting within a
15 veterinarian-client-patient relationship and with informed
16 consent from the client and the member is acting under the
17 immediate, direct, or indirect supervision and control of
18 the licensed veterinarian. Providing assistance involves
19 hands-on active participation in the treatment and care of
20 the patient, as defined by rule. The licensed veterinarian
21 shall maintain responsibility for the
22 veterinarian-client-patient relationship, but shall be
23 immune from liability, except for willful and wanton
24 conduct, in any civil or criminal action if a member
25 providing assistance does not meet the requirements of this
26 item (9).

1 (10) A graduate of a non-accredited college of
2 veterinary medicine who is in the process of obtaining a
3 certificate of educational equivalence and is performing
4 duties or actions assigned by instructors in an approved
5 college of veterinary medicine.

6 (10.5) A veterinarian who is enrolled in a postgraduate
7 instructional program in an accredited college of
8 veterinary medicine performing duties or actions assigned
9 by instructors or working under the immediate or direct
10 supervision of a licensed veterinarian or a faculty member
11 of the College of Veterinary Medicine at the University of
12 Illinois.

13 (11) A certified euthanasia technician who is
14 authorized to perform euthanasia in the course and scope of
15 his or her employment only as permitted by the Humane
16 Euthanasia in Animal Shelters Act.

17 (12) A person who, without expectation of
18 compensation, provides emergency veterinary care in an
19 emergency or disaster situation so long as he or she does
20 not represent himself or herself as a veterinarian or use a
21 title or degree pertaining to the practice of veterinary
22 medicine and surgery.

23 (13) Any certified veterinary technician or other
24 employee of a licensed veterinarian performing permitted
25 duties other than diagnosis, prognosis, prescription, or
26 surgery under the appropriate direction and supervision of

1 the veterinarian, who shall be responsible for the
2 performance of the employee.

3 (13.5) Any pharmacist licensed in the State, merchant,
4 or manufacturer selling at his or her regular place of
5 business medicines, feed, appliances, or other products
6 used in the prevention or treatment of animal diseases as
7 permitted by law and provided that the services he or she
8 provides do not include diagnosing, prognosing, writing
9 prescriptions, or surgery.

10 (14) An approved humane investigator regulated under
11 the Humane Care for Animals Act or employee of a shelter
12 licensed under the Animal Welfare Act, working under the
13 indirect supervision of a licensed veterinarian.

14 (15) An individual providing equine dentistry services
15 requested by a veterinarian licensed to practice in this
16 State, an owner, or an owner's agent. For the purposes of
17 this item (15), "equine dentistry services" means floating
18 teeth without the use of drugs or extraction.

19 (15.5) In the event of an emergency or disaster, a
20 veterinarian or veterinary technician not licensed in this
21 State who (A) is responding to a request for assistance
22 from the Illinois Department of Agriculture, the Illinois
23 Department of Public Health, the Illinois Emergency
24 Management Agency, or other State agency as determined by
25 the Department; (B) is licensed and in good standing in
26 another state; and (C) has been granted a temporary waiver

1 from licensure by the Department.

2 (16) Private treaty sale of animals unless otherwise
3 provided by law.

4 (17) Persons or entities practicing the specified
5 occupations set forth in subsection (a) of, and pursuant to
6 a licensing exemption granted in subsection (b) or (d) of,
7 Section 2105-350 of the Department of Professional
8 Regulation Law of the Civil Administrative Code of
9 Illinois, but only for so long as the 2016 Olympic and
10 Paralympic Games Professional Licensure Exemption Law is
11 operable.

12 (Source: P.A. 96-7, eff. 4-3-09; 96-1322, eff. 7-27-10.)

13 Section 10. The Humane Care for Animals Act is amended by
14 adding Section 3.03-5 as follows:

15 (510 ILCS 70/3.03-5 new)

16 Sec. 3.03-5. Bovine tail docking.

17 (a) As used in this Section:

18 "Cattle" means any living member of the bovine species.

19 "Dock" means to cut or remove any portion of the solid
20 part of an animal's tail.

21 "Therapeutic" means for the purpose of treating a sick
22 or injured animal where that treatment is deemed medically
23 necessary by a licensed veterinarian and is not merely
24 prophylactic.

1 (b) Notwithstanding any provision of the law to the
2 contrary, no person shall dock the tail of any cattle or
3 procure the same to be done.

4 (c) Notwithstanding subsection (b) of this Section, cattle
5 tail docking may be performed if:

6 (1) the procedure is performed for a therapeutic
7 purpose;

8 (2) the procedure is performed by a licensed
9 veterinarian using suitable instruments and under hygienic
10 conditions;

11 (3) the cattle has been adequately anesthetized to
12 minimize the animal's pain and suffering during the
13 operation; and

14 (4) the procedure is conducted in a way as to minimize
15 any long-term pain and suffering of the animal.

16 (d) Any person who violates this Section is guilty of a
17 Class C misdemeanor and shall pay a fine not to exceed \$500 for
18 each animal whose tail was docked.

19 Section 97. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.